



STATE OF
MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

PHONE NO.

METRO WATERS - 1200 WARNER ROAD, ST. PAUL, MN 55106
772-7910

FILE NO

June 7, 1994

Mr. David Jessup
8301 Valley Creek Road
Woodbury, MN 55125

Dear Mr. Jessup:

Enclosed is your DNR Protected Waters Permit to construct the permanent pumped outlet for Bailey Lake. Please note that the permit authorizes the use of the first phase outlet with a 75 cfs capacity. The second phase would require an amendment to this permit. The permit expires on November 30, 1995 and must be extended once all of the temporary easements are converted to permanent easements. The Department strongly encourages the City of Woodbury to examine alternatives within the undeveloped portions of the Bailey Lake watershed for increased stormwater detention opportunities. Upstream ponding would help mitigate the impacts for future water quality and quantity concerns and issues.

We are requesting in Special Provision 8, that the city provide water level data to us on a regular basis. For the first year of operation, we would like to see the data quarterly. It would also be helpful to know the elevation of the upper ring of live oak trees so that impacts of the proposed water levels can be monitored.

Summarized below are some important general permit details:

1. Read all permit conditions and attachments.
2. The orange Permit Card must be posted conspicuously at the project site. This will indicate a permit has been issued for your project.
3. If there are significant changes in the project which could affect the protected water(s) an amendment to the permit may be required. The regional office should be contacted to determine whether the change necessitates an amendment.
4. The expiration date of the permit may be extended if good cause is demonstrated. A written request for an extension must be submitted to the Regional Hydrologist.
5. All written correspondence should be addressed to:

DNR - Metro Waters
1200 Warner Road
St. Paul, MN 55106


AN EQUAL OPPORTUNITY EMPLOYER

Mr. David Jessup
June 7, 1994
Page 2

6. Photographs and/or as-built drawings should be submitted when the project is completed in order to assure compliance with the permit and to close the file.
7. Please note the provision of your permit regarding wetlands not subject to DNR jurisdiction. You should contact your local unit of government (county, city, or soil and water conservation district) to determine your compliance with the Wetland Conservation Act of 1991. Your DNR permit does not authorize you to proceed with your project until you comply with the Act.

If you have any questions or concerns, please feel free to call Area Hydrologist Molly Shodeen at 772-7910.

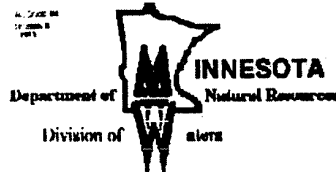
Sincerely,



John Linc Stine, Administrator
Permits and Land Use Section

Enclosure

- c: U.S. Army Corps of Engineers, Ralph Augustin
Washington County Soil and Water Conservation District
Cottage Grove Ravine Watershed District
John Smyth, Bonestroo & Associates
Denny Palmer, Barr Engineering
Conservation Officer Gary Thell
Bruce Gilbertson, DNR Fisheries
Tim Wallace, DNR Wildlife
Sharon Pfeifer, Ecological Services
Central Waters, Ron Anderson
Wetland File 82-456



PROTECTED WATERS PERMIT

Permit Number

94-6178

Pursuant to Minnesota Statutes, Chapter 103, and on the basis of statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and others supporting data, all of which are made a part hereof by reference, PERMISSION IS HEREBY GRANTED to the applicant named below to change the course, current or cross section of the following:

Protected Water Bailey Lake (82-456)		County Washington
Name of Applicant City of Woodbury, c/o David Jessup		Telephone Number (Include Area Code) (612) 739-5972
Address (No. & Street, RFD, Box No. City, State, Zip Code) 8301 Valley Creek Road, Woodbury, Minnesota 55125		
Authorized to: Construct a 34.5 foot long overflow weir at elevation 870.0' (NGVD, 1929) and a 72" outlet for north Bailey Lake and construct the Phase 1 pumping station and 48" force main with an outlet capacity of 75 cfs for south Bailey Lake, to be turned on when north Bailey Lake exceeds 870.0'; all in accordance with plans and operating guidelines received March 22, 1994 with permit application, and the General and Special Provisions listed herein.		
Purpose of Permit Storm water management/water level maintenance		Expiration Date of Permit November 30, 1995
Property Described as: Sections 27 and 34, T28N-R21W		County Washington
As Indicated: (8) Does not apply	As Indicated: (11) The ordinary high water elevation	

This permit is granted subject to the following GENERAL and SPECIAL PROVISIONS:

GENERAL PROVISIONS

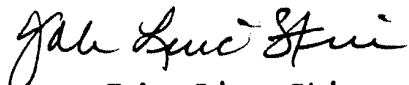
1. This permit is permissive only and shall not release the permittee from any liability or obligation imposed by Minnesota Statutes. Federal Law or local ordinances relating thereto and shall remain in force subject to all conditions and limitations now or hereafter imposed by law.
2. This permit is not assignable except with the written consent of the Commissioner of Natural Resources.
3. The Regional Hydrologist shall be notified at least five days in advance of the commencement of the work authorized hereunder and shall be notified of its completion within five days thereafter. The Notice of Permit issued by the Commissioner shall be kept securely posted in a conspicuous place at the site of operations.
4. No change shall be made without written permission previously obtained from the Commissioner of Natural Resources, in the dimensions, capacity or location of any items of work authorized hereunder.
5. The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the Commissioner of Natural Resources for inspection of the work authorized hereunder.
6. This Permit may be terminated by the Commissioner of Natural Resources at any time he deems it necessary for the conservation of water resources of the state, or in the interest of public health and welfare, or for violation of any of the provisions of this permit, unless otherwise provided in the Special Provisions.
7. Construction work authorized under this permit shall be completed on or before date specified above. Upon written request to the Commissioner by the Permittee, stating the reason therefore, an extension of time may be obtained.
8. The excavation of soil authorized herein shall not be construed to include the removal of organic matter (as indicated above) unless the area from which such organic matter is removed, is impervious, or is sealed by the application of bentonite after excavation.
9. In all cases where the doing by the permittee of anything authorized by this permit shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the permittee, before proceeding therewith, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights and interests necessary therefore.

10. This permit is permissive only. No liability shall be imposed by the State of Minnesota or any of its officers, agents or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors relating to any matter hereunder. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person other than the state against the permittee, its agents, employees, or contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the state against the permittee, its agents, employees, or contractors for violation of or failure to comply with the permit or applicable provisions of law.
11. No material excavated by authority of this permit nor material from any other source, except as specified herein, shall be placed on any portion of the bed of said waters which lies below (as indicated above.)
12. Any extension of the surface of said waters resulting from work authorized by this permit shall become protected waters and left open and unobstructed for use by the public.
13. This permit does not obviate any requirement for federal assent from the U.S. Army Corps of Engineers, 190 Fifth Street East, St. Paul, Minnesota 55101-1638.
14. The permittee shall comply with all rules, regulations, requirements, or standards of the Minnesota Pollution Control Agency and other applicable federal, state, or local agencies.
15. Where the work authorized by this permit involves the draining, filling or burning of wetlands not subject to DNR jurisdiction, the permittee shall not initiate any work under this permit until the permittee has obtained official approval from the responsible governmental unit as required by the Minnesota Wetlands Conservation Act of 1991.

SPECIAL PROVISIONS

1. Erosion control measures shall be adequately designed for the site characteristics. They may include staked haybales, diversion channels, sediment ponds, or sediment fences. They shall be installed in accordance with "Protecting Water Quality in Urban Areas - Best Management Practices for Minnesota" MPCA, October 1989, prior to commencement and maintained throughout the project. All exposed soil shall be stabilized as soon as possible and no later than 72 hours after the completion of the project. Topsoil should be used to re-dress disturbed soil areas and indigenous plant species should be used to revegetate disturbed areas whenever possible.
2. Upon completion of the authorized work, the permittee shall submit representative photographs and any as-built surveys, as appropriate, of the project area to DNR Metro Region Waters (1200 Warner Road, St. Paul, MN 55106).
3. The Permittee is authorized to maintain the approved work to the dimensions herein described. Prior to commencing any maintenance work, the Permittee shall advise the Department of Natural Resources of the extent and method of maintenance. Maintenance excavation shall not be commenced until permittee receives written approval from the Department.
4. Excavated materials must be deposited or stored in an upland area, in a manner where the materials will not be redeposited into the protected water by reasonably expected high water or runoff.
5. Temporary dewatering for construction, in excess of 10,000 gallons per day or one million gallons per year, is authorized by this permit provided the following conditions are met:
 - a. A plan for the dewatering shall be submitted to the Regional Hydrologist for written prior approval.
 - b. All necessary erosion and sedimentation control measures shall be taken to prevent transportation of sediment.
6. Implementation of Phase 2, which would double the outlet capacity, must be approved by amendment to this permit.
7. Any proposed drawdown to accommodate snowmelt or spring runoff must be authorized in writing by the Regional Hydrologist.
8. North Bailey Lake water level measurements shall be recorded at least once per week and shall be submitted to the DNR Regional Office on a regular basis or during drier periods, at least once per year.

c: U.S. Army Corps of Engineers, Ralph Augustin
Washington County Soil and Water Conservation District
Cottage Grove Ravine Watershed District
John Smyth, Bonestroo & Associates
Denny Palmer, Barr Engineering
Conservation Officer Gary Thell
Bruce Gilbertson, DNR Fisheries
Tim Wallace, DNR Wildlife
Sharon Pfeiffer, Ecological Services
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Authorized Signature  John Linc Stine	Title Administrator, Permits and Land Use Section	Date 6/7/94
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